

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
03 MAR 28 PM 1:27
OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	8:05CV153
)	
\$133,980.00 IN UNITED)	CONSENT DECREE
STATES CURRENCY,)	OF FORFEITURE
)	
Defendant.)	

NOW ON THIS 23rd day of March, 2006, this matter comes on before the Court upon a telephonic hearing. The Plaintiff is represented by Nancy A. Svoboda; the Defendant and Claimant are represented by Michael J. Thoren. The Court listens to counsels' statements and, being duly advised in the premises, finds as follows:

1. Based on the facts set forth by the Plaintiff in the "Statement of Facts" section of its Trial Brief filed March 20, 2006 (Filing No.33), the Claimant acknowledges the Plaintiff can demonstrate, by a preponderance of the evidence, the Defendant property is forfeitable to the United States. The Claimant also acknowledges he cannot demonstrate, by a preponderance of the evidence, he has a defense to the forfeitability of the Defendant property. Specifically, the Claimant acknowledges he cannot demonstrate he is an "innocent owner" of the Defendant property as defined by Title 18, United States Code, Section 983(d).

2. The Plaintiff has requested a Decree of Forfeiture in its favor. The Claimant acknowledges said Decree should be entered. The Court agrees said Decree should be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. Based on the facts set forth by the Plaintiff in the Statement of Facts section of its Trial Brief, the United States has demonstrated, by a preponderance of the evidence, the Defendant property is forfeitable to the United States.

B. Based on the representations made by Claimant's counsel, the Claimant has no defense to the forfeitability of the Defendant property. Specifically, the Claimant cannot demonstrate it is an innocent owner as defined by Title 18, United States Code, Section 983(d).


C. Pursuant to this Court's Order dated April 12, 2005, (Filing No. 5), the United States Marshal for the District of Nebraska has published notice of his intent to dispose of the property in such a manner as the Attorney General may direct. An Affidavit of Publication was filed herein on June 3, 2005 (Filing No. 9). In response to said published notice, no person or entity, other than Maciej Prochal, has filed a Claim and an Answer setting forth any legal or equitable interest in the Defendant property.

D. All right, title and interest in or to the Defendant property held by any person or entity is hereby forever barred and foreclosed.

E. The Defendant property be, and the same hereby is, forfeited to the United States of America.

F. The Defendant property shall be disposed of by the United States Marshal for the District of Nebraska in accordance with law.

BY THE COURT:


JOSEPH F. BATAILLON
CHIEF JUDGE,
UNITES STATES DISTRICT COURT


Prepared and submitted by:

Nancy A. Svoboda (#17429)
Attorney for the Plaintiff
1620 Dodge Street, Suite 1400
Omaha, Nebraska 68102-1506
(402) 661-3700

Approved as to form and content:

\$133,980.00 IN UNITED STATES
CURRENCY, Defendant, and
MACIEJ PROCHAL, Claimant

By:


Michael J. Thoren
Attorney for Defendant and Claimant
734 Asbury Ave.
Evanston, IL 60202
(847) 866-7119